

The State Board of Education/State Board for Vocational Education held its regular meeting on Thursday, January 14, 2010 in the Cabinet Room, Townsend Building, Dover, Delaware.

Present were: Dr. Teri Quinn Gray, President; Jorge Melendez, Vice President; G. Patrick Heffernan, Barbara Rutt, Dennis Savage, Dr. Terry Whittaker, Dr. James Wilson, and Dr. Lillian Lowery, Executive Secretary and Secretary of Education.

Dr. Judi Coffield, State Board Policy Analyst; Daniel E. Cruce, Associate Secretary and Chief of Staff, Administrative and Innovation Branch; Mike Jackson, Associate Secretary, Finances and Services; and Dr. Michael Owens, Associate Secretary, Career/Adult Education and Consolidated Programs Branch, were in attendance.

Catherine Hickey was present to act as legal counsel.

Also attending: John Hindman, Deputy Attorney General; Charlie Michels, Executive Director, Professional Standards Board (PSB); G. Scott Reihm, Delaware Association of School Administrators; Debbie Stevens, Delaware State Education Association (DSEA); Wendy Strauss, Governor's Advisory Council for Exceptional Citizens; Susan Francis, Delaware School boards Association (DSBA); Suzi Harris, Delaware Charter Network; Rebecca VanPelt, ISDC; Jennifer Ranji, Governor's Office; Dave Jones, Delaware Institute of Technology (DIT); Bill Conley, DIT; Dean McGrom, DIT; Rodney Bailey, DIT; Johnn Bothell, Tom Stevenson, GCS; Dominique Taylor, East Side Charter School; Ed Reznick, East Side Charter School; Judy Aliquo, East Side Charter School; Jocelyn Stewart, East Side Charter School; Deborah Conrad, East Side Charter School; Sherlynn Aurelio, East Side Charter School; Vivian Smalls, East Side Charter School; Rod Ward, East Side Charter School, Al Snyder, East Side Charter School; Charles McDowell, East Side Charter School; Tennell Brewington, Family Foundations; Sean Moore, Family Foundations; Tami Koss, American International Charter; Fatih Kandil, First State Math and Science Academy; Mustafa Dzgan; Merv Daughy; Hugh Broomall, Groome Mears, Tami Lundsford, John Lundsford, Lorrie

Gloede, Dr. Susan Haberstroh, Dr. Mike Stetter, Robin Case, Maureen Whelan, John Ray, Dr. Julia Webster, Scott Kessel and Karen Scaggs.

Call to Order

President Gray called the regular meeting of the State Board of Education/State Board for Vocational Education to order at 1:00 p.m. She welcomed all guests to the State Board's monthly public meeting.

Approval of the Agenda

President Gray stated that the first order of business was approval of the agenda. She requested that the order of the items on the agenda be changed by moving the Professional Standards Board's items and charter school items to the beginning of the agenda followed by the Department of Education items at the end.

A motion was made by Dr. Whittaker to approve the agenda as amended. The motion was seconded by Mr. Melendez and carried with the following vote recorded:

Ayes:	Nays:
Dr. Gray	None
Mr. Heffernan	
Mr. Melendez	
Mrs. Rutt	
Mr. Savage	
Dr. Whittaker	
Dr. Wilson	

Approval of Minutes

Board members received a copy of the minutes from the regular meeting of December 9, 2009. Dr. Gray asked if there were any additions or amendments.

A motion was made by Mrs. Rutt to approve the minutes from the regular meeting of December 9, 2009 as distributed. The motion was seconded by Dr. Wilson and carried with the following vote recorded:

Ayes:

Nays:

Dr. Gray
Mr. Heffernan
Mr. Melendez
Mrs. Rutt
Mr. Savage
Dr. Whittaker
Dr. Wilson

None

Special Recognition

The State Board of Education and Secretary of Education Lillian Lowery recognized Davione Robinson, a student at South Dover Elementary School in the Capital School District. Secretary Lowery explained that on December 2, 2009 Davione performed the Heimlich maneuver when another student was choking during lunch. Dr. Gray presented Davione with an Excellence Award and a State Board bookmark. Secretary Lowery presented him with a Blue Hen pin, Department of Education flashlight and a “Reaching Higher for Student Success” folder. Davione thanked his school for teaching him how to do the Heimlich so he could help his friend.

Formal Public Comment on Action Items

It was indicated that this was the time the Board set aside for formal public comment. President Gray noted that five individuals requested to address the State Board. She reminded the speakers that public comment is limited to three minutes and noted that the Board would not entertain or respond to any questions.

Fatih Kandil spoke to the Board noting that he is the principal of Chesapeake Science Public School in Hanover, Maryland and came to introduce himself in support of the application for the First State Math and Science Academy. He explained the accomplishments of the school in Maryland and how it leads the state in its test scores. The proposed school in Delaware would follow the same curriculum.

Tami Koss spoke next and introduced Groome Mears, III. She noted that they are the founding members for the American International Charter High School. The goal of the school is to educate the students to the opportunities that the world offers and prepare them with the skills and knowledge to succeed in it. On behalf of the board for the

American International Charter High School, she thanked the Board for their consideration.

Lorrie Gloede asked about a program and if was being used anywhere in the State of Delaware. Dr. Gray asked that she submit her question to the Department of Education to be addressed.

Charles McDowell from East Side Charter School asked that he make his comments when charter items were being discussed.

Rodney Bailey stated he was the founder of the Delaware Institute of Technology School and introduced the charter board members present. He thanked the Board for its consideration of their application.

Committee Reports from State Board Members

Mr. Heffernan commented he attended holiday shows conducted by schools and noted it is always good to see what our schools are doing. He also attended the Parent Involvement Conference where Secretary Lowery was the guest speaker. Panel discussions focused on how parental involvement was a critical piece of the educational process.

Mr. Heffernan also attended a meeting on restructuring options for schools on improvement plans. Sixteen schools were reviewed and a more thorough review of the plans is scheduled.

Dr. Wilson attended the Annual Meeting of the Delaware School Boards Association and numerous Charter School Accountability Committee meetings on the renewals and modification requests.

Mrs. Rutt also attended the DSBA Annual meeting and toured the East Side Charter School. She attended the DSBA Board meeting where the Memorandum of Understanding was discussed which all districts have signed. At that meeting, the DSBA Board authorized its director to issue a letter in support of the Department's Race to the Top Application.

Dr. Whittaker attended the DSBA Annual Meeting and several Charter School Accountability Committee meetings.

Mr. Melendez had the pleasure of meeting Kim Trivits, director of the Delaware Adolescent Program Inc. at the Seaford location. The program assists young girls who are pregnant by providing them with their academic requirements during their pregnancy so they can stay on track to graduate. He stated that in 2009 the program had a 100% graduation rate. Through PNC Bank, Mr. Melendez can assist these students with a program to educate them on financial literacy that covers topics such as maintaining an account, keeping a check register, budgeting and credit worthiness. A pilot program is scheduled to begin next month and will start again next fall. It is hoped that the program can eventually take place in all three DAPI locations. Mr. Melendez also explained that he hopes to talk to Secretary Lowery about expanding the program into other public schools.

Dr. Coffield attended several Charter School Accountability Committee meetings, the Professional Standards Board meeting, and Policy Matters. She accompanied Dr. Lowery at the House Education Committee and provided an overview of the P-20 Council and its subcommittees.

Dr. Gray shared her main highlight which was attending the Winter Commencement of the University of Delaware. It reminded her about the work of this Board and about preparing children for the college experience or work opportunity upon high school graduation. Dr. Gray shared a quote from Dr. Pat Harker, President of the University of Delaware. She felt that this quote was pertinent for the State Board for 2010. Dr. Harker gave three pieces of advice: to be interested, to be open and to be optimistic. Dr. Gray wanted to focus on the “to be open” piece and stated that Dr. Harker’s comments highlighted that we should be open to many things, including different ideas, opinions and perspectives. Dr. Gray continued that being open to different views does not necessarily mean that you are embracing them, but that you are entertaining them. It may not change your view, but what is important is it will make it stronger as your view will be tested. Dr. Gray stated that Dr. Jill Biden was the keynote speaker. She shared real life stories of University graduates that started their higher education experience in a community college and transitioned to the University. Dr.

Biden emphasized that there are many ways to find success and we have to make sure that all of our children have those options.

Dr. Gray reiterated Dr. Hacker's comments and encouraged the Board as it moves into 2010 that it be interested, be open and be optimistic.

Governor's Re-entry Plan

The Governor's Re-entry Plan coordinates the efforts of five state agencies – Correction, Labor, Health and Human Services, Housing and Education – to support offenders who are re-entering their communities. Through an alignment of services provided during incarceration and community supervision, offenders, if eligible, may access resources that will assist in family stabilization, job acquisition, and training. Maureen Whelan, Director of Adult Education, provided highlights of the plan. She began by providing a sample of products from the culinary arts program at Baylor's Women's Institute noting it also provides catering services. The culinary arts program is one that is offered in prison education and when women get out of that program they receive a certificate which can assist them in getting a job.

Ms. Whelan stated that at there are approximately 25,000 persons in the criminal justice system of the state, of which 16,000 are involved in probation and parole or restitution. Approximately 5,400 are in level 5 which means they are incarcerated. It takes approximately \$35,000 a year to keep an inmate in jail. Of those 5,400 incarcerated, about 95% are released into the community which shows the need for the Re-entry Plan. Research shows that the children of inmates are four times more likely to be involved in the criminal justice system.

On January 26, 2009 Governor Markell requested action across several state agencies to find a solution to reduce prison recidivism. He indicated that you cannot wait until a person is about to be released to start thinking about it. Executive Order #7 established the new I-ADAPT Re-Entry Model. Research concludes that focusing on re-entry immediately reduces recidivism. Delaware focuses on decreasing re-arrest and checking on those released after 90 days, 120 days, 360 days and five years. Ms. Whelan stated that research indicates that if the ex-offender can get past the first three months, the likelihood of re-offending dramatically declines.

Ms. Whelan provided the State Board with the various state and local groups and organizations that provided input to the plan. The plan focuses on employment services and provides life skills and job readiness as well as apprentice programs. It also addresses housing and provides workshops to support community organizations in creating housing options. It provides human services and medical options and assistance. In addition, the plan addresses education and providing vocational training.

Ms. Whelan provided an overview of I-DAPT, which stands for Individual Assessment, Discharge and Planning Team. Planning begins six months prior to release and provides an individual plan for each offender. To enter the program offenders must voluntarily sign a waiver, which is from all of the agencies, that addresses confidentiality issues. Approximately 50% sign the waivers. At that time each offender will be assessed on their individual needs for education. The prison system provides Adult Basic Education, GED, James H. Groves Adult High School, vocational training and college programs. Last year 2,145 offenders participated in the program with the following breakdown: 417 in vocational programs, 1,016 in academic programs, 341 in the GED or Groves program and 326 participating in life skills programs. Ms. Whelan noted that 46% of the offenders are under the age of 24. The long term goals for the Re-entry Process are to expand the program to probation and parole, create one multi-agency office, community coordination and youth re-entry. Juvenile corrections serves about 5,000 youth and it is hoped to bring the youth program into the re-entry program next.

Dr. Michael Owens, Associate Secretary, Career/Adult Education and Consolidated Programs Branch, recognized Ms. Whelan for the phenomenal work she does. He noted that this is a program that the Department runs and has a work group that works entirely with the prison population.

Professional Standards Board

Charles Michels, Executive Director of the Professional Standards Board, presented the regulations.

**Amend 1560 Art Teacher
(For Publication)**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, is seeking the consent of the State Board of Education to amend regulation DE Admin. Code 1560 Art Teacher. This regulation concerns the requirements for certification of educational personnel, pursuant to 14 Del.C. §1220(a). It is necessary to amend this regulation in order to bring the format up to the current Standard Certificate style. There have been no changes in the certification requirements. This regulation sets forth the requirements for an Art Teacher.

**Amend 1563 Music Teacher
(For Publication)**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, is seeking the consent of the State Board of Education to amend regulation DE Admin. Code 1563 Music Teacher. This regulation concerns the requirements for certification of educational personnel, pursuant to 14 Del.C. §1220(a). It is necessary to amend this regulation in order to bring the format up to the current Standard Certificate style. There have been no changes in the certification requirements. This regulation sets forth the requirements for a Music Teacher.

**Amend 1564 Physical Education Teacher
(For Publication)**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, is seeking the consent of the State Board of Education to amend regulation DE Admin. Code 1564 Physical Education Teacher. This regulation concerns the requirements for certification of educational personnel, pursuant to 14 Del.C. §1220(a). It is necessary to amend this regulation in order to bring the format up to the current Standard Certificate style. There have been no changes in the certification requirements. This regulation sets forth the requirements for a Physical Education Teacher.

A motion was made by Mr. Heffernan to approve the publication of amended regulations 1560 Art Teacher, 1563 Music Teacher and 1564 Physical Education

Teacher. The motion was seconded by Mrs. Rutt and carried with the following vote recorded:

Ayes:	Nays:
Dr. Gray	None
Mr. Heffernan	
Mr. Melendez	
Mrs. Rutt	
Mr. Savage	
Dr. Whittaker	
Dr. Wilson	

**Amend 1511 Issuance and Renewal of Continuing License
(For Action)**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, is seeking the consent of the State Board of Education to amend regulation DE Admin. Code 1511 Issuance and Renewal of Continuing License. Delaware Code mandates that the Professional Standards Board shall review the professional development requirements within the regulation on an ongoing basis. Upon review, the Board has amended many sections to reflect research-based best practice and to align the Options with a more current definition of professional development. Other requisite amendments address expired licenses, educators coming from other jurisdictions or who have been out of the profession for an extended period of time and renewal details.

Mr. Michels noted that no written comments have been received.

A motion was made by Dr. Wilson for final approval of amended regulation 1511 Issuance and Renewal of Continuing License. The motion was seconded by Mr. Heffernan and carried with the following vote recorded:

Ayes:

Nays:

Dr. Gray
Mr. Heffernan
Mr. Melendez
Mrs. Rutt
Mr. Savage
Dr. Whittaker
Dr. Wilson

None

The Board signed the appropriate Order.

Charter Schools

Daniel E. Cruce, Associate Secretary and Chief of Staff, Administrative and Innovation Branch and Dr. Julia Webster, Education Associate, Charter Schools Office, presented the charter school items.

Decisions on Applications to Consider for New Charters to Open in August or September 2011 (For Action)

The Department has received nine applications for new charters for school opening in August or September 2011. A list of applications was provided to the Secretary and members of the State Board of Education. A review was made of the applications and a recommendation was made to the Secretary to move seven of those applications forward in the process. Mr. Cruce stated that the seven applications recommended for approval are:

Rosalie Obara City Charter School to be located in the City of Wilmington for 120 students in Grades 5 and 6 the first year and up to 256 students for Grades 5-8 in year four. The school plans to use the programs used in KIPP and Achievement First Schools.

Gateway Lab Charter School to be located in Newark for 190 students in Grades 3-7 the first year and up to 288 students for Grades 1-8 in year four. The school plans to serve students who would benefit from differentiated, integrated arts, multi-sensory, experiential programs.

Odyssey Charter School to be located in New Castle County for 660 students in Grades K-6 the first year and up to 1,140 students for Grades K-9 in year four. The school plans to integrate the learning of Greek as a second language and to teach a rigorous core curriculum.

Delaware Institute of Technology Charter School to be located in New Castle County for 180 students in Grades 9 and 10 the first year and up to 510 students for Grades 9-12 in year four. The school plans to provide a challenging college preparatory curriculum with a career focus for students with an interest in Science, Technology, Engineering, Math (STEM) & Leadership.

Delaware Academy of Science and Engineering Charter School to be located in New Castle County for 220 students in Grades 9 and 10 the first year and up to 415 students for Grades 9-12 in year four. The school plans to serve students using the International Baccalaureate (IB) World Science program and STEM.

First State Math and Science Academy to be located in New Castle County for 200 students in Grades 6 and 7 the first year and up to 500 students for Grades 6-10 in year four. The school plans to provide a math, science and technology focus college preparatory charter school.

First State Montessori Academy to be located in New Castle County for 100 students in Grades K-5 the first year and up to 102 students for Grades K-5 in year four. The school plans to serve students using the methods and educational philosophy of Maria Montessori.

Dr. Webster explained that by moving forward, these applications have been deemed complete pursuant to Delaware Code and each of the 14 criteria have been addressed. Moving forward would then mean they would go through the steps and process with Charter School Accountability Committee meetings and then at the April State Board meeting, a final recommendation regarding applications approvals will be made to Secretary Lowery to make to the State Board.

Secretary Lowery recommended that the State Board support the seven charter school applications that have been deemed complete by the Charter School Accountability committee to move forward. A motion was made by Dr. Whittaker to accept the recommendation of the Secretary. The motion was seconded by Mr. Melendez and carried with the following vote recorded:

Ayes:	Nays:
Dr. Gray	None
Mr. Heffernan	
Mr. Melendez	
Mrs. Rutt	
Mr. Savage	
Dr. Whittaker	
Dr. Wilson	

Public Comment

Terry Hickey, legal counsel for the State Board, reminded Board members that its decision is to be based on the record presented. Any comments made during public comment are not included in the record.

Charles McDowell, Chairman of the Board of East Side Charter School, spoke at this time. He indicated that the PTO President and a teacher wished to made comments as well but after looking at the agenda felt that the item would not be before the Board until later in the afternoon. He indicated that other board members were also on their way and requested that the consideration for East Side be deferred until the end of the charter school considerations.

Secretary Lowery indicated that the comments could be made at any time as the comments are not part of the record that Board's decision would be based on.

President Gray, after a procedural check with Ms. Hickey, indicated that for any public comment to come forward, sign up must be done prior to the meeting. She asked him to come forward and indicated that his colleagues that have not signed up would not be able to address the Board. Dr. Gray apologized she is still on the learning curve.

Mr. McDowell indicated that he prepared comments for five minutes and noted that earlier in the meeting it was mentioned that comments should be limited to three

minutes. Dr. Gray explained that the five minute limit is for a group, three minutes for individuals.

Mr. McDowell stated that he hoped to make comments in addition to Dominique Taylor, who is the head of the school and Rich O'Neal to encourage the Secretary and State Board to accept the recommendation of the review committee to renew East Side School's charter. He noted that the review committee recommended approval of the renewal application because eleven of the criteria were deemed satisfied, two deemed partially satisfied and one deemed not meet. The one that was not met is the achievement targets which they agree is the most important. He acknowledged that the school is aware that their test scores were the lowest in the State last March. Mr. McDowell stated that there were seven key facts that he felt should be considered. He stated that East Side Charter is PreK to Grade 8 for 410 students in the former Martin Luther King Elementary site in northeast Wilmington and one of the poorest neighborhoods in the state with a high school dropout rate of 50%. It is the school's mission to turn that around.

The second key fact is that the renewal application is very similar to being a new application because the people and programs in the application are not the same people and programs responsible for the record accumulated over the last five years. He is not defending the record of the previous administration but is presenting what the current administration has done in the last year, in particular in the last year, and their plans to go forward.

The third key fact is that the school is taking very aggressive actions to deal with the academic deficiencies in the school's record. The academic decline of the school was noticed in the 05-06 year and he joined the Board in the Fall of 06 becoming chairman of the Board at that time. Soon after that outside professionals were hired to run the non-academic operations. When after the DSTP scores came out in June the management of the school was reorganized. When the scores did not improve the next year, the school added another position, an achievement specialist, from a special grant. In November of last year the school lost its head of school at that time the outside source utilized for the non-academic operations was also contracted to oversee the academic program. The school now has very experienced outstanding leaders in charge of the academic program.

After that 50% of the faculty was not invited back for the following year. These actions were done based on decisions regarding what needed to be done to improve. Climate and academic issues were addressed and are included in the renewal application.

The next key fact is the outstanding Board of Directors which has raised \$5 million in the last three years to subsidize the capital and operating program of the school. In addition an endowment fund has been established to provide scholarships for the school's students.

Last and most important is that the expectations of the school are very high and good progress has been made. Last year even though the DSTP scores were not good the entire school did go ahead one year's growth. The goal of the teachers is not to just grow one year because the students would still be behind but to have growth of one performance level for each student. Current testing shows that the school is on target in math and just slightly behind in English/language arts.

Decision on Application to Renew an Existing Charter: East Side Charter School (For Action)

The Board of Directors of this school submitted an Application to Renew the school's charter for additional term of five years. The Charter School Accountability Committee has issued its report on the application and a public hearing on the application was conducted on January 4, 2010. Mr. Cruce stated that the Charter School Accountability Committee presented its recommendation to the Secretary.

Upon reviewing the record and the recommendation of the Charter School Accountability Committee on East Side Charter School's application for renewal, it was the recommendation of the Secretary that the school's charter be renewed as delineated in the Charter School Accountability Committee's final recommendation report with the addition of two conditions which will replace condition #13 in the report. The conditions with that change are as follows:

- 1) The Board of Directors of the school, its employees, agents and contractors, shall comply with all obligations imposed upon them by law, shall comply with the provisions of the corporate charter, by-laws and resolutions, and shall further comply with any applicable rule or regulation; all of which are imposed as conditions to approval of this charter.

- 2) No part of the school's corporate charter or by-laws shall be amended, altered, repealed, restated or otherwise modified without the prior written consent of the Department of Education, except that the number of directors may be increased or decreased without the Department's consent, provided that any such change shall be limited to the number of directors only and not to the qualifications thereof; and further provided that any such change shall otherwise be consistent with any applicable law, rule or regulation.
- 3) By September 1, 2010 and every September 1 thereafter, the Board of Directors shall submit to the Department in a form satisfactory to the Department a listing of its members including addresses and phone numbers, and indicating the names of the members representing the teachers employed at the school and the parents of students enrolled at the school. Anytime a new director is elected to the school's Board of Directors, the board shall provide written notice to the Department within ten days of such election. The notice shall include name, address and telephone number of the new director. Within ten days of any change in the address or phone number of any existing member of the board, the board shall provide written notice of the same to the Department including the new address and/or phone number of such board member.
- 4) Each month the charter school financial reports shall be posted monthly on the charter school website and shall be provided in writing upon request pursuant to 14 Del. C. § 122(11).
- 5) By August 1, 2010, and every August 1 thereafter, the Board of Directors shall submit to the Department copies of signed contracts for student transportation, food services, related services for students with special needs, or any organization or entity providing other services.
- 6) The Board of Directors shall ensure that the school is in full compliance at all times with the requirements for background checks as stated in 11 Delaware Code, Chapter 85, Subchapter VI.
- 7) The Board of Directors shall ensure that school is and remains in compliance with any student, educator, and school achievement performance requirements now or hereafter in effect in Delaware Code or Regulation.
- 8) Throughout each school year, the school shall have continuously enrolled at least 90% of the total number of students the school is authorized to enroll.
- 9) On a daily basis during each school year, at least 90% of the total number of students enrolled in the school must be in attendance.

- 10) The Board of Directors shall ensure that the school submits data requested or required by the Department in any form, including electronically, in accordance with the timelines in the Department's Data Acquisition Calendar.
- 11) By August 31, 2010, the School's Board of Directors will submit for review and approval
 - ELA :
 - scope and sequence for 4-5 grade cluster,
 - Mathematics:
 - Differentiate scope and sequence documents for grades K, 1 & 2
 - Submit scope and sequence documents for grades 4 & 5
 - Align Grade 3 scope and sequence document to standards and GLEs
 - Differentiate scope and sequence documents for grades 6, 7, & 8
 - Align each unit of instruction to the Math Content
 - Health Education:
 - Submit Scope and Sequence
 - "I am unique" no specific grade targeted.
 - Physical Education:
 - Submit Scope and Sequence
 - "I am unique" no specific grade targeted.
 - Visual and Performing Arts:
 - Submit 1 additional unit in Music in the 7-8 grade cluster
 - Revise units of instruction to include scaffolding, and quality of teaching and learning
 - Revise units of instruction to align learning targets with assessment and instructional practice
- 12) By June 30, 2010, the Board of Directors shall report to the Department that the by-laws of the Board have been reviewed to assure compliance with the recent opinions on the Public Integrity Commission and the use of bid laws for procurement.
- 13) By April 15, 2010, the Charter shall enter into a performance agreement with the Department of Education, in a form satisfactory to the Department, specifically requiring the Charter meet its student achievement requirement in the fiscal year 2010-2011.
- 14) Failure to comply with any condition of renewal or with the terms of the performance agreement or with any condition imposed in any subsequent modification of the charter shall result in the immediate placement of the charter on formal review to begin the charter revocation process.
- 15) By June 30, 2010, the Board of Directors shall submit an amendment to its corporate by-laws to the Department demonstrating consistency, to the satisfaction of the Department, with the requirements of 275 DE Admin Code § 4.1.3.3.

- 16) By June 30, 2010, the School shall submit to the Department for approval, a list of assessments, formative, benchmark, and summative, the School plans to use to indicate student academic achievement.
- 17) Beginning with the 2010-11 school year and every year thereafter, the School shall submit to the department once in the fall and again in the spring in a format set by the department, all benchmark data collected during the year and indicated in the Performance Agreement from their fall and spring assessment administrations. This Assessment report will contain a detailed data analysis including a narrative that addresses how students are performing in relation to the student achievement goals expressed in the School's current Performance Agreement. This plan shall be submitted to the Charter School office and forwarded to the Education Associate for Accountability.
- 18) By June 30, 2010, the Board of Directors shall submit to the Department for review and approval a plan to increase the percentage of HQT classes to 100%.
- 19) By February 1, 2010, the Board of Directors shall submit a plan to DOE with the procedures the Board will put in place to track and conform that all charter conditions are being met in a timely and complete way.
- 20) Documents related to these conditions must be submitted through the Charter Schools Office at the Department of Education, which will be responsible for distribution within the Department.

Mr. Heffernan asked about the targets for the next school year. Secretary Lowery indicated that the performance criteria of the school would be presented to the State Board in April as it will be presented to the Department by April 15, 2010 and those targets will be for the following school year, FY 10-11. And then if the kind of growth that Mr. McDowell articulated in his comments and the reasoning used by the Committee to renew them are not met, the Secretary will place them on formal review to begin the revocation process of the charter.

Dr. Webster outlined the process of formal review, which included a public hearing and meetings of the Charter School Accountability Committee followed by probation or revocation or a series of more conditions. Dr. Lowery noted that there were serious concerns about the academic performance and student achievement, but the school has basically been reconstituted with new leadership, turnover of 50% of the faculty and staff, and have set aggressive achievement targets for their students. Research shows that it does take two to three years to realize any significant growth. The

concern has been expressed about student achievement being in dire straits year after year. If the charter is renewed for Department will need to work with the school to make sure that the targets that will be set are aggressive, are realistic and are met. Mr. Cruce explained that the plan presented by the school to the Charter School Accountability Committee is not just a plan on paper, but that these actions are currently evident in the school. This is one of the reasons the Charter School Accountability Committee voted to move forward with renewal.

Mr. Heffernan expressed his concerns that the school is to meet some criteria that is yet to be established and noted that there is a modification before the State Board from the school to lower the existing performance targets. He also expressed concern that if the school does not meet this unknown target then a process will begin that will take awhile to evolve before there is any action taken on behalf of the students attending the school.

Secretary Lowery explained that under Safe Harbor of the State Accountability System, there must be at least a ten percent decrease in the number of students failing. She stated that the delay until April is to allow time to consider input from the Board regarding the charter's performance agreement. Dr. Lowery stated that time was needed to collaborate with the Board to determine what a target should look like. Whatever the school decides for its targets the State Board must provide its consent and reflect what the Board feels where public schools should be. Secretary Lowery also noted that the modification has nothing to do with the renewal.

Mr. Heffernan replied that the Board is agreeing that there be tough targets, but the Department and the State Board have to determine what appropriate targets are. Dr. Gray asked about the baseline and when the clock would start for showing student growth. Dr. Lowery explained that a more realistic test will begin next year with DCAS. DCAS contains a growth component and can show where a child begins in September and a child ends in June. There is no way to hold the school accountable this year for a target that has not been set. The growth would be expected by next Spring's test scores.

President Gray asked if this item would return to the State Board. Board members responded that as the Charter School Accountability Committee reviews the conditions the Board would be informed.

Dr. Whittaker asked if there was a definite purpose for the charter school. He asked about the mission of the school. Dr. Webster responded, "the mission of the school is to provide a superior education for children who are culturally, economically and socially at risk." Dr. Whittaker then asked for the definition of socially and culturally at risk. Dr. Lowery provided her own interruption stating the socially at risk means to her that these students are at risk for behavioral purposes and discipline issues. Culturally at risk means that this school is in one of the poorest sections in the State of Delaware and with that comes economic deprivation and students coming into school with little social or academic preparation. These students come in with a blank slate and learning begins at day one. Dr. Lowery stated that research indicates that students who enter Kindergarten knowing the alphabet have a much better chance of academic success than one who does not. She commented that in making this recommendation she is saying there is a limit and the target needs to be met. If the target is met, then the school continues. If after the target is set the school misses the target, then there will be a formal review and they will determine the next steps to take to begin the revocation process.

Mr. Heffernan expressed his concern that the data show only 40% proficiency for the students at East Side Charter School, noting that six out of ten students are not at grade level. He also expressed concern that student achievement declines the longer the students remain in the school. He stated the problem is not so much the input going into the school; it is what is happening when they are in the school. Mr. Heffernan read the first two paragraphs of the charter school law as to why we have charter schools in the first place.

The purpose of this chapter is to create an alternative to traditional public schools operated by school districts and improve public education overall by establishing a system of independent "charter" schools throughout the State.

To that end, this chapter offers members of the community a charter to organize and run independent public schools, free of most state and school district rules and regulations governing public education, as long as they meet the requirements of this

chapter, and particularly the obligation to meet measurable standards of student performance. Schools established under this chapter shall be known as "charter schools."

Mr. Heffernan stated that the most important thing, the most important measure is student achievement.

Secretary Lowery reiterated her recommendation to the State Board to renew the charter of East Side Charter School as delineated in the Charter School Accountability Committee's final report with the change she noted, replacing condition #13 with two conditions. She again read the two new conditions.

A motion was made by Mrs. Rutt to accept the recommendation of the Secretary in reference to the renewal of East Side Charter School with the conditions as noted.

Mrs. Rutt asked about the consequences if the conditions are not met. Dr. Lowery stated that steps would be taken to begin the revocation process. Mrs. Rutt noted that there are two other options if conditions are not met. Dr. Webster explained that the two other options are probation and/or a series of additional conditions. Mr. Cruce stated that that was not the intent and that the recommendation was the specific to begin the revocation process. Ms. Hickey reported that it was a legal issue which would be reviewed.

Dr. Whittaker provided the following statement at this time. As a higher education administrator, academic achievement is very important to him. He also noted that the school has been in existence since 1997.

President Gray and fellow board members, prior to stating my vote on Secretary Lowery's recommendation to renew East Side Charter School's application, I would like to convey the process in which I determined my vote. My comments will also apply to my votes in regards to the renewal recommendations for Family Foundations Academy's and Pencader Business and Finance Charter School's applications for renewals.

It is my understanding that the legislative intent of the Delaware charter school reform is to:

- Administer and share innovative educational practices and policies to improve student learning and academic achievement;

- Encourage the use of different and innovative or proven school environments and teaching and learning methods;
- Provide parents and students with improved measures of school performance and greater opportunities to choose public schools within and outside their school districts, and
- Provide for a well-educated community,

It is also my understanding, that the Secretary and State Board's approval or disapproval of renewing a charter school's contract shall be based on the school's record and supporting documents over the term of its charter.

During my evaluation of the school's record and supporting materials, I decided to be guided by the National Association of Charter School Authorizers' Guiding Philosophy of Renewal which states, and I quote;

- Unlike a regular public school, the authority to operate a charter school is granted through a limited, renewable contract. Contract renewal is not automatic ---- it must be earned through strong academic results and operational effectiveness. Good schools (or schools meeting their performance agreements) should be cultivated and poor ones (or schools not meeting their performance agreements) should be shut down.

Embracing this guiding philosophy, I based my vote on three overarching questions in respect to the school's record and other relevant documents provided by the Department of Education. The questions are:

- Is the school an academic success?
- Did it meet the performance goals and standards laid out in its charter contract?
- Does the performance warrant future operation or should it be closed?

Major factors that I accessed while contemplating answers to these questions were:

- School's Mission or Purpose Statement
- Academic results and impact the school had on student achievement by comparing academic data to expectations set by the school in its charter performance agreement as well as State's performance expectations.
- Board governance effectiveness
- School leadership and instructional quality

- Economic viability
- Consistent compliance with the terms of its charter contract and applicable laws and regulations
- Parental and community engagement and support
- Significant positive or negative trends in performance, operations, and governance

Mr. Heffernan indicated that he thought the Board would have gone through the final report but asked that the Board members look at the Charter Regulation 275, 4.2, 4.2.1 and 4.2.1.3 on student performance minimum requirements. The regulation notes the minimum requirements that a charter school has to meet. This is also in the current performance plan for East Side for the last five years. He read, “the applicant must agree and certify that the charter school’s average student performance on the DSTP assessment in each content area will meet or exceed the statewide average of the performance students in the same grade in each year’s test administration.” He provided a summary of the school’s test scores and stated that the Board cannot substitute its own criteria for what is in the law. Mr. Heffernan noted that the students in East Side charter School have been scoring poorly for some time, and now by changing the school around it is hoping that in a few years results will be better.

Mr. Heffernan provided the following statement:

East Side admits they are not meeting their performance targets, not keeping the promises they have made to their students and parents. East Side says they need more time. That is the same thing East Side said when they were not meeting their targets at their renewal application in 2005. Shouldn't we all feel a sense of urgency about this?

Thirteen years is enough time to get it right. If we had a contract with a company selling pencils or doing snow removal and they missed performance targets in their contract for years, we wouldn't be having a renewal discussion. Do we have a double standard? Do we have such low expectations of poor African American kids and their schools that this is okay?

It is true that East Side had been making changes, by all accounts positive changes. These changes are beginning to show some progress. Last year, some grades in some subjects made a year's progress. This doesn't mean all these kids caught up, just that they

didn't fall further behind. East Side believes this positive trend is enough to justify another 5 year renewal. I say it is too little, too late.

Nationally, there are schools who have figured how to serve this kind of concentrated population of poor urban kids. Google "90 90 90 school" and you'll get over 300 million hits. There are schools with students like those at East Side that are succeeding. Closer to home, in Delaware, DSTP scores for low income and African American kids have been on the rise while scores at East Side have been falling or flat. The problem at East Side is not with the kids.

When we were talking about fixing persistently failing schools as part of RTTT, Sec Lowery said it is not about the comfort of the adults; it is about what is right for the kids. I know I'll get some discomfort for not wanting to give the school more time - but that's Okay. The problem is not that the school needs more time. The problem is the school waited 10 years to start implementing proven practices to help their kids.

East Side's test scores are not just below the state averages - which is the minimum requirement in the law. East Side's test scores are below the average for black kids, below average for poor kids, and below average for poor black kids.

But this poor performance compared to the averages means more than just that East Side is doing badly. It means other schools are doing better. These numbers show that even if a traditional public school down the street from East Side served only poor African-American kids, their scores would be better. The students at East Side may be "at-risk" because of poverty, but they are further at-risk because they attend East Side. It is time to stop blaming the kids at East Side for the problems and admit it is the school.

I am not for or against charter schools. I really don't care about schools at all. I am for the children at those schools. The building, the mascot, the PTA -the school is a means to an end, not the end itself. A school needs to give its students a fair opportunity to learn and to succeed in life.

I know there are lots of hard working, dedicated people on the board of East Side and working at East Side. But this is not about the adults. This is not about East Side "the school". This is about the kids.

We've talked many times about how we can't make a wrong decision if we always put the kids first. Ask yourself, what is in the best interest of the kids.

Do you know what would happen to the 400 kids at East Side if their charter was not renewed? If East Side closed, by next September, every single student would be in a better school.

Dr. Whittaker stated that he was also concerned that the community is not represented to embrace the continuation of the charter. A school is an organization within a neighborhood.

Mr. Melendez stated that he struggled with the information that was provided. The school was chartered in 1997 and to continue for this long period of time and be allowed to do this it wasn't just about the charter school leadership. The problem is also our responsibility. This is an opportunity for the State Board to set the record straight, to make the necessary changes, to hold the people accountable for their actions and ensure the students succeed. This Board can make an impact on the students of Delaware. We have made mistakes; we have ultimately allowed this to happen. Given the Secretary's recommendation where East Side will be held accountable, we need to consider when we make a decision. Before no one was held accountable.

Dr. Gray thanked the State Board for putting their comments on the table for the children of Delaware. She stated that this Board is committed to creating a framework for all students to have the opportunity to excel and to learn. The Board collectively believes that the framework is built upon high expectations, rigorous academic standards and a collaborative community that supports it. This type of framework will also call for courage and hard work. She commended the Secretary's recommendation for taking the will and courage to put on the table the fact that this decision is about results for our kids. Dr. Gray stated that she too has been disturbed about some of the issues surrounding East Side but it is with a sense of urgency that the Board must require things be done differently and faster for a different and better outcome for the children. It is not about intentions. It is not about promises. It is about results. The results are time bound, yet to be defined by the Department with input from the Board, and if those results are not met,

the intention is to go into a formal review process that leads to revocation. It is about raising student achievement and preparing our young people to compete globally.

Dr. Gray again thanked the Board members for expressing their views.

The motion carried with the following roll call vote recorded:

Ayes:

Nays:

Dr. Gray

Mr. Heffernan

Mr. Melendez

Dr. Whittaker

Mrs. Rutt

Mr. Savage

Dr. Wilson

**Decision on Application to Renew an Existing Charter: Family Foundations Academy
(For Action)**

The Board of Directors of this school submitted an Application to Renew the school's charter for additional term of five years. The Charter School Accountability Committee has issued its report on the application and a public hearing on the application was conducted on January 4, 2010. Mr. Cruce explained that Family Foundations went through the same process at East Side and Pencader for its charter renewal.

Upon reviewing the record and the recommendation of the Charter School Accountability Committee on Family Foundations Charter School's application for renewal, it was the recommendation of the Secretary that the school's charter be renewed as delineated in the Charter School Accountability Committee's final recommendation report with the following conditions listed:

- 1) The Board of Directors of the school, its employees, agents and contractors, shall comply with all obligations imposed upon them by law, shall comply with the provisions of the corporate charter, by-laws and resolutions, and shall further comply with any applicable rule or regulation; all of which are imposed as conditions to approval of this charter.
- 2) No part of the school's corporate charter or by-laws shall be amended, altered, repealed, restated or otherwise modified without the prior written consent of the Department of Education, except that the number of directors may be increased or decreased without the Department's consent, provided that any such change shall be limited to the number of directors only and not to the qualifications thereof; and

further provided that any such change shall otherwise be consistent with any applicable law, rule or regulation.

- 3) By September 1, 2010 and every September 1 each year thereafter the Board of Directors shall submit to the Department in a form satisfactory to the Department a listing of its members including addresses and phone numbers, and indicating the names of the members representing the teachers employed at the school and the parents of students enrolled at the school. Anytime a new director is elected to the school's Board of Directors, the board shall provide written notice to the Department within ten days of such election. The notice shall include name, address and telephone number of the new director. Any new member of the Board of Directors shall participate in financial training. Within ten days of any change in the address or phone number of any existing member of the board, the board shall provide written notice of the same to the Department including the new address and/or phone number of such board member.
- 4) Each month the charter school financial reports shall be posted monthly on the charter school website and shall be provided in writing upon request pursuant to 14 Del. C. § 122(11).
- 5) By August 1, 2010, and by August 1 each year thereafter, the Board of Directors shall submit to the Department copies of signed contracts for student transportation, food services, related services for students with special needs, or any organization or entity providing other services.
- 6) The Board of Directors shall ensure that the school is in full compliance at all times with the requirements for background checks as stated in 11 Delaware Code, Chapter 85, Subchapter VI.
- 7) Throughout each school year, the school shall have continuously enrolled at least 90% of the total number of students the school is authorized to enroll.
- 8) On a daily basis during each school year, at least 90% of the total number of students enrolled in the school must be in attendance.
- 9) The Board of Directors shall ensure that the school submits data requested or required by the Department in any form, including electronically, in accordance with the timelines in the Department's Data Acquisition Calendar.
- 10) By August 31, 2010, the School's Board of Director's will submit for review and approval
 - a. Mathematics:
 - Revise scope and sequence documents to include clear timelines and formative and summative assessments
 - Submit scope and sequence for Kindergarten

- b. Health Education:
 - Scope and Sequence submitted
 - 3 sample units of instruction missing
 - Elem. Injury prevention unit missing
 - Evidence of Title IV Curriculum implementation
 - c. Visual and Performing Arts:
 - Identify which 3 art units of instruction should be reviewed in each grade cluster
 - Revise units of instruction to include a performance task for students to demonstrate understanding.
 - Differentiate instruction and assessment to meet the needs of diverse student populations
 - Music- identify which grade the Music Composition unit is intended
 - Submit units of instruction for the other three grade levels (see above)
- 11) By June 30, 2010, the Board of Directors shall report to the Department that the by-laws of the Board have been reviewed to assure compliance with the recent opinions on the Public Integrity Commission and the use of bid laws for procurement.
- 12) By August 15, 2010, the Board of Directors shall submit to the Department for approval a Performance Agreement for the charter renewal period that is acceptable to the Secretary. In the event that further revisions are needed, the Board of Directors shall make such revisions and resubmit the Performance Agreement within 10 business days of receiving notification of the needed revisions.
- 13) The Board of Directors shall ensure that school is and remains in compliance with any student, educator, and school achievement performance requirements now or hereafter in effect in Delaware Code or Regulation.
- 14) By June 30, 2010, the Board of Directors shall submit amendments to its corporate by-laws to the Department demonstrating consistency, to the satisfaction of the Department, with the requirements of 275 DE Admin Code §§4.1.3.1 and 4.1.3.3.
- 15) By February 1, 2010 the Board of Directors shall submit for review and approval to the Department a plan to address student achievement needs at their school. The plan must be research based to show their student population would benefit from such plan. Upon the Department's approval, the Board of Directors will submit to the Department a timeline of implementation including indicators of success.
- 16) By February 1, 2010, the Board of Directors will submit a written report for review and approval a description of how they will comply with DE 1105.
- 17) By June 30, 2010, the School shall submit to the department for approval, a list of assessments, formative, benchmark, and summative, the School plans to use to indicate student academic achievement.

- 18) Beginning with the 2010-11 school year and every year thereafter, the School shall submit to the department once in the fall and again in the spring in a format set by the department, all benchmark data collected during the year and indicated in the Performance Agreement from their fall and spring assessment administrations. This assessment report will contain a detailed data analysis including a narrative that addresses how students are performing in relation to the student achievement goals expressed in the School's current Performance Agreement. This plan shall be submitted to the Charter School office and forwarded to the Education Associate for Accountability.
- 19) By June 30, 2010, the Board of Directors shall submit to the Department for review and approval a plan to increase the percentage of HQT classes to 100%.
- 20) By June 30, 2010, the Board of Directors shall submit to the Department verification that all Board members and administrators have completed training in DPAS II.
- 21) By February 1, 2010, the Board of Directors shall submit a plan to DOE with the procedures the Board will put in place to track and confirm that all charter conditions are being met in a timely and complete way.
- 22) Documents related to these conditions must be submitted through the Charter Schools Office at the Department of Education, which will be responsible for distribution within the Department.

Dr. Gray noted that one of the conditions stated that the performance agreement was due later in the year back to the report for review. Mr. Heffernan included that the school has a modification request that is for their facility. It was explained that the performance agreement was due on August 3, 2010. This would allow time for the Department and the Board to set the parameters for performance agreements.

Dr. Whittaker asked which performance agreement is included in the vote because there have to be some benchmarks. Dr. Lowery noted that the process that was discussed for East Side on performance agreements would be the same for all charter renewals. Mr. Cruce noted that in the past very detailed conditions on student achievement that could lead to school closure had not occurred, but that did not mean that it would be the same in the future as more rigorous review of academic achievement will be established or put in place.

Secretary Lowery stated that every public school in Delaware is in the midst of change. We have traditional schools that are not there but we are using success plans.

She explained that this did not happen overnight, and she is very glad that this Board is proactive and willing to sit down and set parameters to make sure we level the playing field. There is an expectation from the Governor's Office down that we are going to improve student achievement. Where it is not happening there will be consequences.

Dr. Whittaker stated that a performance agreement is a contract and pointed back to his statement, it is what we are basing our decisions on. The performance agreement will be changed, but what is in effect now is what we have to view.

Dr. Lowery noted that in the past when charter schools did not meet targets, additional conditions were placed on the school. We now have to look seriously at processes around probation and revocation going forward. Mr. Melendez agreed that it is all about accountability.

Mr. Heffernan commented that only three out of the twenty-six of its student performance indicators were ever met. He asked if the school had lived up to its contractual obligation. He indicated that as we talk about moving forward; the record is clear. Accountability is not five years from now. Dr. Lowery stated that she will hold them accountable for the conditions. Mr. Cruce explained that maybe in the past the only opportunity to close a school may have been in the renewal process. That will no longer be the case as there will be consequences for not meeting conditions.

Mrs. Rutt understands the views of other Board members, but she feels very comfortable with the plan that has been outlined as we go forward. She has a great deal of confidence in what the Secretary is recommending. It is not a perfect scenario and not an easy fix, but she does have confidence in it. Mrs. Rutt commented that she fully appreciates the views of her fellow Board members.

Dr. Gray restated that the focus must be on the performance agreement and student achievement and making sure that contract is honored in a timely fashion. The Board wants these schools to be successful and not have the same conversation every five years.

Secretary Lowery noted that with the new assessment, we will have real data to check three times before the end of a school year to see how the students are progressing. This will help inform any decisions.

A motion was made by Mrs. Rutt to accept the recommendation of the Secretary to renew the for charter renewal for Family Foundations Academy with the conditions indicated for a period of five years. The motion was seconded by Mr. Melendez carried with the following roll call vote recorded:

Ayes:

Nays:

Dr. Gray

Mr. Heffernan

Mr. Melendez

Dr. Whittaker

Mrs. Rutt

Mr. Savage

Dr. Wilson

**Decision on Application to Renew an Existing Charter: Pencader Business & Finance Charter High School
(For Action)**

The Board of Directors of this school submitted an Application to Renew the school's charter for additional term of five years. The Charter School Accountability Committee has issued its report on the application and a public hearing on the application was conducted on January 4, 2010.

Upon reviewing the record and the recommendation of the Charter School Accountability Committee on Pencader Business & Finance Charter School's application for renewal, it was the recommendation of the Secretary that the school's charter be renewed as delineated in the Charter School Accountability Committee's final recommendation report with the following conditions listed:

- 1) The Board of Directors of the school, its employees, agents and contractors, shall comply with all obligations imposed upon them by law, shall comply with the provisions of the corporate charter, by-laws and resolutions, and shall further comply with any applicable rule or regulation; all of which are imposed as conditions to approval of this charter.
- 2) No part of the school's corporate charter or by-laws shall be amended, altered, repealed, restated or otherwise modified without the prior written consent of the Department of Education, except that the number of directors may be increased or decreased without the Department's consent, provided that any such change shall be limited to the number of directors only and not to the qualifications thereof; and further provided that any such change shall otherwise be consistent with any applicable law, rule or regulation.

- 3) By September 1, 2010 and September 1 every year thereafter the Board of Directors shall submit to the Department in a form satisfactory to the Department a listing of its members including addresses and phone numbers, and indicating the names of the members representing the teachers employed at the school and the parents of students enrolled at the school. Anytime a new director is elected to the school's Board of Directors, the board shall provide written notice to the Department within ten days of such election. The notice shall include name, address and telephone number of the new director.
- 4) Each month the charter school financial reports shall be posted monthly on the charter school website and shall be provided in writing upon request pursuant to 14 Del. C. § 122(11).
- 5) By August 1, 2010, and by August 1 each year thereafter, the Board of Directors shall submit to the Department copies of signed contracts for student transportation, food services, related services for students with special needs, or any organization or entity providing other services.
- 6) The Board of Directors shall ensure that the school is in full compliance at all times with the requirements for background checks as stated in 11 Delaware Code, Chapter 85, Subchapter VI.
- 7) The Board of Directors shall ensure that school is and remains in compliance with any student, educator, and school achievement performance requirements now or hereafter in effect in Delaware Code or Regulation.
- 8) Throughout each school year, the school shall have continuously enrolled at least 90% of the total number of students the school is authorized to enroll.
- 9) On a daily basis during each school year, at least 90% of the total number of students enrolled in the school must be in attendance.
- 10) The Board of Directors shall ensure that the school submits data requested or required by the Department in any form, including electronically, in accordance with the timelines in the Department's Data Acquisition Calendar.
- 11) By August 30, 2010, the Board of Directors shall submit to the Department for review and approval the following curricula documents:
 - Mathematics:
 - Revise scope and sequence documents to include clear timelines and formative and summative assessments
 - Align scope and sequence document to standards and GLEs
 - Revise units of instruction to reflect current Math Content Standards and GLEs

Social Studies:

Revise scope and sequence documents to focus on grade 9-12 benchmarks
Refine the Imperialism unit to include a learning plan

Health Education:

Submit scope and sequence
Submit 3 sample units of instruction and the following:
H. S. Tobacco, Drug and Alcohol Prevention Unit
Evidence of Title IV Curriculum Implementation

Physical Education:

2 units approved-(Teambuilding and Fitnessgram- Fitnessgram submitted twice)
One unit is still missing

Visual and performing Arts:

Submission of scope and sequence and required units of instruction in the 9-12 grade clusters

World Languages:

Scope and Sequence Lacking GLEs & PLEs

- 12) By June 30, 2010, the Board of Directors shall report to the Department that the by-laws of the Board have been reviewed to assure compliance with the recent opinions on the Public Integrity Commission and the use of bid laws for procurement.
- 13) By August 15, 2010, the Board of Directors shall submit to the Department for approval a Performance Agreement for the charter renewal period that is acceptable to the Secretary. In the event that further revisions are needed, the Board of Directors shall make such revisions and resubmit the Performance Agreement within 10 business days of receiving notification of the needed revisions.
- 14) By June 30, 2010, the Board of Directors shall submit to the Department for Review and approval a plan to increase the percentage of HQT classes to 100%.
- 15) By February 1, 2010, the Board of Directors shall submit a plan to DOE with the procedures the Board will put in place to track and conform that all charter conditions are being met in a timely and complete way.
- 16) Documents related to these conditions must be submitted through the Charter Schools Office at the Department of Education, which will be responsible for distribution within the Department.

A motion was made by Dr. Whittaker to accept the recommendation of the Secretary to renew the charter for Pencader Business & Finance Charter School with the conditions indicated.

Mr. Heffernan indicated that Pencader has done much better as it almost met half of their performance targets, but still it is not what they indicated they would do. He did comment on the school's not submitting data noting in the past the school has been on formal review for the same.

Mr. Melendez expressed his concern for the school's lack of compliance in submitting information noting it needs to change. The motion carried with the following roll call vote recorded:

Ayes:

Dr. Gray
Mrs. Rutt
Mr. Savage
Dr. Whittaker
Dr. Wilson

Nays:

Mr. Heffernan
Mr. Melendez

Application to Modify an Existing Charter: Family Foundations Academy Charter School (For Information)

The Board of Directors of this school has submitted an Application to Modify the school's charter seeking approval to increase enrollment, add kindergarten and grades six through eight, and add a building to their current location. The Secretary has referred the application to the Charter School Accountability Committee for review and recommendations.

Application to Modify an Existing Charter: Academy of Dover Charter School (For Information)

The Board of Directors of this school has submitted an Application to Modify the school's charter seeking approval to decrease enrollment and the school's calendar. The Secretary has referred the application to the Charter School Accountability Committee for review and recommendations.

**Progress on Conditions Placed on Academy of Dover Charter School
(For Information)**

Academy of Dover Charter School was placed on probation at the October 23, 2008 State Board meeting. A monthly update was presented to the Board. Dr. Webster stated that the enrollment is the same at 256 which is about 67% of the enrollment it is allowed. There was also no new information regarding the Mosaica litigation.

**Charter Schools Update
(For Information)**

The Board received the monthly update on charter schools.

Mr. Heffernan suggested the Board receive updates on the conditions or any changes. Dr. Gray also suggested that the Board have scheduled meetings to review one or two schools at a time to keep the Board better informed. There was also discussion on boilerplate conditions and the two or three specific conditions that are addressed to each school. The Board is most interested in the conditions that focus on student achievement.

The Board recessed for five minutes.

Department of Education Regulations

Dr. Susan Haberstroh presented the regulations on behalf of the Department of Education.

**Regulation 612 Possession, Use or Distribution of Drugs
and Alcohol
(For Discussion)**

The Secretary of Education is seeking the consent of the State Board of Education to amend 14 DE Admin. Code 612 Possession, Use or Distribution of Drugs and Alcohol to clarify parents or legal custodians shall not be required to provide or sign a form of release where the student's use and possession of an asthmatic quick relief inhaler or autoinjectable epinephrine is determined by the student's IEP or Section 504 Team to be necessary for the student's educational placement. In addition, except as provided for in

a student's Section 504 Plan or IEP, the school nurse may not unilaterally impose limitations or restrictions on a student's use and possession of an asthmatic quick relief inhaler or autoinjectable epinephrine if a Section 504 or IEP Team has determined the use of the medication is necessary for the student's educational placement. The regulation is out for comment and will be placed on the February agenda for action.

**Regulation 103 Accountability for Schools, Districts and the State
(For Action)**

The Secretary of Education is seeking the consent of the State Board of Education to amend 14 DE Admin. Code 103 Accountability for Schools, Districts to make additional changes from what was proposed in the June 2009 Register of Regulations. At that time, the amendments focused on: 1) corrections and updates to align with the State Accountability Plan provided to the U.S. Department of Education for NCLB; 2) amendments to reflect changes to the DSTP; and 3) alignment with the budget language. The additional changes are substantive and require the regulation to be republished. These changes include, but are not limited to, options and requirements for schools and districts in school improvement.

Dr. Haberstroh stated that comments were received by the State Board of Education, the Governor's Advisory Council for Exceptional Citizens and the State Council for Persons with Disabilities on the first publication, as well as the accountability stakeholder group. Additions and clarifications have been made which includes adding definitions of secondary school and persistently low-achieving school. Clarifications were based on what is required in Title I. Under partnership zone schools, the regulation is clear that the Secretary will determine what schools would benefit by that placement using quantitative measures. Dr. Lowery explained that was in response to a conversation with district superintendents and teachers. The Board asked about the qualitative measures, and it was noted that those would be determined in consultation with the State Board, district superintendents and the Delaware State Education Association (DSEA).

A motion was made by Mr. Heffernan to approve the amendment to Regulation 103 Accountability for Schools, Districts and the State. The motion was seconded by Dr. Whittaker and carried with the following vote recorded:

Ayes:	Nays:
Dr. Gray	None
Mr. Heffernan	
Mr. Melendez	
Mrs. Rutt	
Mr. Savage	
Dr. Whittaker	
Dr. Wilson	

The Board signed the appropriate Order.

**Regulation 106 Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II)
(For Action)**

The Secretary of Education is seeking the consent of the State Board of Education to amend 14 DE Admin. Code 106 Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II). The amendments include an effective date and a cross reference to a new proposed regulation designed to replace this regulation with the 2011-2012 school year. Other technical amendments have been made.

Dr. Haberstroh stated that no changes have been made since last month and this regulation will be in place until the revised regulation takes effect.

A motion was made by Mr. Heffernan to approve the amendment to Regulation 106 Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II). The motion was seconded by Dr. Whittaker and carried with the following vote recorded:

Ayes:	Nays:
Dr. Gray	None
Mr. Heffernan	
Mr. Melendez	
Mrs. Rutt	
Mr. Savage	
Dr. Whittaker	
Dr. Wilson	

The Board signed the appropriate Order.

**Regulation 106A Teacher Appraisal Process Delaware Performance Appraisal System (DPASII) Revised
(For Action)**

The Secretary of Education is seeking the consent of the State Board of Education to adopt a new regulation 14 DE Admin. Code 106a Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised. This regulation will become effective July 1, 2011 and will replace 14 DE Admin. Code 106 Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II). The changes from the current teacher appraisal process include re-defining the Student Improvement component of DPAS II to require a showing of Student Growth. Changes were also made to the Summative Evaluation ratings, adding a new “Highly Effective” rating and amending the means of determining the Summative rating. The amendments also change some of the appraisal cycles and the improvement plan components.

Comments were received from two administrators which Dr. Haberstroh believes addresses their concerns for clear criteria as we move forward on student achievement and student growth.

A motion was made by Mrs. Rutt to adopt this new Regulation 106A Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised. The motion was seconded by Dr. Wilson and carried with the following vote recorded:

Ayes:	Nays:
Dr. Gray	None
Mr. Heffernan	
Mr. Melendez	
Mrs. Rutt	
Mr. Savage	
Dr. Whittaker	
Dr. Wilson	

The Board signed the appropriate Order.

**Regulation 108 Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II)
(For Action)**

The Secretary of Education is seeking the consent of the State Board of Education to amend 14 DE Admin. Code 108 Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II). The amendments include an effective date and a cross reference to a new proposed regulation designed to replace this regulation with the 2011-2012 school year. Other technical amendments have been made.

A motion was made by Dr. Whittaker to approve the amendment to Regulation 108 Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II). The motion was seconded by Mr. Heffernan and carried with the following vote recorded:

Ayes:	Nays:
Dr. Gray	None
Mr. Heffernan	
Mr. Melendez	
Mrs. Rutt	
Mr. Savage	
Dr. Whittaker	
Dr. Wilson	

The Board signed the appropriate Order.

**Regulation 108A Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised
(For Action)**

The Secretary of Education seeks the consent of the State Board of Education to adopt a new regulation 14 DE Admin. Code 108a Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised. This regulation will become effective July 1, 2011 and will replace 14 DE Admin. Code 108 Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II). The changes from the current administrator appraisal process include re-defining the Student Improvement component of DPAS II to require a showing of Student Growth. Changes were also made to the Summative Evaluation ratings, adding a new “Highly Effective”

rating and amending the means of determining the Summative rating. The amendments also change some of the appraisal cycles and the improvement plan components.

Dr. Haberstroh indicated that a few comments were received and some changes made.

A motion was made by Mrs. Rutt to approve this new Regulation 108A Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II). The motion was seconded by Dr. Wilson and carried with the following vote recorded:

Ayes:	Nays:
Dr. Gray	None
Mr. Heffernan	
Mr. Melendez	
Mrs. Rutt	
Mr. Savage	
Dr. Whittaker	
Dr. Wilson	

The Board signed the appropriate Order.

Dr. Lowery stated that Debbie Stevens was present at the meeting representing DSEA as was Sue Francis for Delaware School Boards Association. She was happy to report that all nineteen boards of educations, superintendents and local affiliates signed off on the Department's MOU for Race to the Top Application. Mr. Cruce noted that in addition to all nineteen school districts, almost all of charter schools have also signed and the Department hopes to receive the last few.

Race to the Top Application

Mr. Cruce provided the State Board of Education with a brief update on Delaware's Race to the Top application. The application will be submitted on Tuesday and there is a little over \$4 billion at stake in the grant process. The Department feels it has a very competitive application and about 35 states are planning to apply. The application focuses on the four assurances that were part of the IAT work in the summer that developed the Strategic Plan. They are standards and assessment, data systems, great teachers and leaders and what we are doing for our lowest performing schools.

If the grant is received, 50% of the money goes to the districts and charters and 50% stays at the state. Allocations for the districts and charters will be based on the same formula as Title I. Funding the State would received would go to districts and charters to cover initiatives we are asking them to do. Mr. Cruce highlighted one of the data initiatives that is planned should the State receive the grant which would be a resource for teachers. Data coaches and development coaches for administrators are initiatives to assist districts. Incentives for highly effective teachers to work in our most challenged schools are also included in the application. Certification of professional development is an initiative also found in the application. Districts may choose from a Department plan or develop their own and submit for approval.

Mr. Cruce indicated that the partnership zone which was included in Regulation 103 is the assurance that describes what the application plans to address for our lowest achieving schools. This component is a large part of the application. He also indicated that strategies to address parent involvement and to engage communities to effectively support the academic success of their students. Once the application is submitted, Dr. Lowery will forward it along with the scope of work to members of the State Board.

Dr. Wilson commended the Department and the organizations and individuals that assisted in the development of this application. He made a motion indicating the Board's strong support for this application for the Race to the Top funds and authorizing the State Board President to sign the RTTT application. The motion was seconded by Mrs. Rutt and carried with the following vote recorded:

Ayes:	Nays:
Dr. Gray	None
Mr. Heffernan	
Mr. Melendez	
Mrs. Rutt	
Mr. Savage	
Dr. Whittaker	
Dr. Wilson	

Secretary Lowery thanked the Board members for the dynamic conversation which helps everyone understand how the Board is thinking. Everyone reviews the information and comes with their own points of expertise.

Adjournment

There being no further business, a motion was made by Dr. Whittaker to adjourn the meeting. The motion was seconded by Dr. Wilson and carried with the following voice vote:

Ayes:	Nays:
Dr. Gray	None
Mr. Heffernan	
Mr. Melendez	
Mrs. Rutt	
Mr. Savage	
Dr. Whittaker	
Dr. Wilson	

The meeting adjourned at 4:10 p.m.

Respectfully submitted,

Lillian M. Lowery
Executive Secretary and
Secretary of Education